

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Patricia Anne Manley, ) Civil Action No.: 2:12-2562-MGL

Plaintiff, )

v. )

Carolyn W. Calvin, Acting )  
Commissioner of Social Security,<sup>1</sup> )

Defendant. )

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**OPINION AND ORDER**

The matter is before the court for review of the Report and Recommendation (“Report”) of Magistrate Judge Bruce Howe Hendricks made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(a) for the District of South Carolina. Plaintiff Patricia Anne Manley (“Plaintiff”) seeks judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying Plaintiff’s claim for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) under Titles II and XVI of the Social Security Act. Plaintiff filed her complaint pursuant to 42 U.S.C. § 405(g) asserting *inter alia* that the Commissioner’s decision was not supported by substantial evidence. (ECF No. 1). In her Report, the Magistrate Judge recommends affirming the decision of the Commissioner. No objections have been filed to the Report and the time for doing so has passed.

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<sup>1</sup>Carolyn W. Colvin became the Acting Commissioner of Social security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Commissioner Michael J. Astrue as Defendant in this action.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 96 S.Ct. 549, 42 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record, the applicable case law, and the findings and recommendation of the Magistrate Judge for clear error. Finding none, the court adopts and incorporates the Report by reference. For the reasons articulated by the Magistrate Judge, the Commissioner’s decision is AFFIRMED.

**IT IS SO ORDERED.**

s/Mary G. Lewis  
United States District Judge

Spartanburg, South Carolina  
October 18, 2013